



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TEXAS 75202-2733

August 22, 2002

COPY

SENT VIA FEDERAL EXPRESS OVERNIGHT MAIL AND VIA  
CERTIFIED MAIL NUMBER 7001 0360 0001 1266 5521  
RETURN RECEIPT REQUESTED  
URGENT LEGAL MATTER; PROMPT REPLY REQUESTED

The Honorable Tim Coulon  
Parish President  
Jefferson Parish  
1221 Elmwood Park Blvd. #601  
New Orleans, LA 70123-2337

919641



Re: **Westbank Asbestos Site, Jefferson Parish, LA; Request for Information Pursuant to CERCLA Section 104(e), 42 U.S.C. Section 9604(e)**

Dear President Coulon:

This is to request that Jefferson Parish (hereinafter Jefferson Parish is referred to as the "Parish," "you" or "your") provide, **within 30 days**, certain information regarding the nature or extent of a release of the dangerous hazardous substance asbestos at the Westbank Asbestos Site (the "Site"), located in the Westbank area near New Orleans. The Site includes the Jefferson Parish communities of Bridge City, Westwego, Marrero, Harvey, and Gretna, and the Orleans Parish community of Algiers.

In order to protect human health and the environment, the U.S. Environmental Protection Agency ("EPA") has excavated and disposed of approximately 52,210 cubic yards of asbestos-contaminated material from the Site. This removal action was conducted by EPA under its Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) authority. During that removal action, the EPA addressed contamination on a total of 1,365 separate properties.

At this time, we are conducting an investigation in order to determine the sources of the asbestos, so that we can better understand the nature and extent of the contamination. That is, we are trying to identify all the companies and other entities that produced, transported, or disposed of the hazardous asbestos waste. Toward this end, we have enclosed an information request, generally asking you what you know about the source of the contamination.

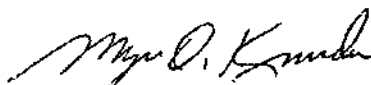
**This information request is not a determination that you are responsible or potentially responsible for contamination that occurred at the Site.** The EPA is sending you this letter as part of its investigation of the circumstances related to the Site and does not expect you to pay for or perform any site-related activities at this time. Should EPA determine that you are responsible or potentially responsible for response activity at the Site, you will receive a separate letter clearly stating such a determination as well as the basis EPA has for making such a determination.

The U.S. Environmental Protection Agency (EPA) is making this request for information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e).

Pursuant to the authority of CERCLA Section 104(e), you are hereby requested to respond to the enclosed information request. As explained in the enclosed information request, if you do not respond to this request for information, or if you respond in an incomplete manner, EPA may issue an order requiring you to respond, and violation of such an order can mean significant monetary penalties.

Thank you for your attention to this matter. If you have any questions regarding this request, please call On-Scene Coordinator Mr. John Martin at (214) 665-6748. Legal questions should be addressed to EPA Senior Attorney Mr. James E. Costello at (214) 665-8045.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Myron O. Knudson". The signature is fluid and cursive, with the first name "Myron" and last name "Knudson" clearly distinguishable.

Myron O. Knudson, P.E.  
Director  
Superfund Division

Enclosures: Information Request  
Exhibit 1 - Site map

## **INFORMATION REQUEST**

The U.S. Environmental Protection Agency (EPA) is making this information request to Jefferson Parish, Louisiana (hereinafter Jefferson Parish is referred to as "you," "your," or the "Parish"), under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA" or "Superfund") Section 104(e). CERCLA Section 104(e) may be found in the United States Code ("U.S.C.") at Title 42 Section 9604(e) (section is denoted by the symbol "§").

Compliance with this Information Request is mandatory. If you do not respond fully and truthfully to this Information Request within **30 calendar days** of your receipt of this request, the EPA may issue an order which requires you to respond. If you violate such an order, CERCLA permits EPA to seek the imposition of penalties of up to \$27,500.00<sup>1</sup> for each day of continued noncompliance.

Furnishing false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. Should you later find that any portion of your submission is incorrect or false, you should notify EPA as soon as possible.

This Information Request is not subject to the requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501, et seq.

Please direct your response and any technical questions you may have to:

Mr. John Martin, On-Scene Coordinator  
U.S. Environmental Protection Agency, Region 6  
Superfund Cost Recovery Branch (6SF-R2)  
1445 Ross Avenue  
Dallas, TX 75202-2733  
Telephone: (214) 665-6748  
FAX: (214) 665-6660

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<sup>1</sup>Statutory penalty provisions have been increased by 10 percent (in this case from \$25,000 to \$27,500) for events occurring after January 30, 1997, by the Debt Collection Improvement Act of 1996 and its implementing regulations, the Civil Monetary Penalty Inflation Rule, 61 Fed. Reg. 69,360 codified at Title 40 of the Code of Federal Regulations (CFR) Part 19.

Legal questions concerning matters discussed herein should be addressed to:

Mr. James E. Costello, Senior Attorney  
U.S. Environmental Protection Agency, Region 6  
Office of Regional Counsel (6RC-S)  
1445 Ross Avenue  
Dallas, TX 75202-2733  
Telephone: (214) 665-8045  
FAX: (214) 665-6460

### **INSTRUCTIONS**

1. Please provide a separate response for each and every question or request for documents listed below in this information request.

2. Precede each response to a question with the question and the number of the question. For example, for question number 1, before your response, you should write or type:

“1. *Identify the persons answering these questions on behalf of the Parish.*”

3. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise nonconfidential documents should be identified clearly and may be submitted separately to facilitate identification and handling by EPA. If you make a confidentiality claim, the information covered by that claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in title 40 of the Code of Federal Regulations ("CFR") at Part 2 Subpart B. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you.

4. Generally, we are investigating releases of asbestos-contaminated material in Jefferson Parish, Orleans Parish and the Site. Generally, these releases were releases of asbestos-contaminated material to surface soil and perhaps surface water. We have tried to make this information request as specific as possible; however, questions may have inadvertently been written in a manner that requires unduly burdensome research, or in a manner that brings into the scope of the question information that is not pertinent to our investigation. If you believe this may be the case, please call Mr. Costello, explain the problem, and we may be able to narrow the question or otherwise make it easier to answer. Such accommodations may not be made if you wait until the response deadline approaches, so please do not wait to call.

### **DEFINITIONS**

Please use the following definitions in interpreting the questions and requests for documents in this Information Request:

**EPA Information Request to  
Jefferson Parish**

1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
2. The term "any," as in "any documents" for example, shall mean "any and all."
3. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any computer disk, any information stored on a computer hard drive or memory tape or other type of memory generally associated with computers and data processing; and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document.
4. The term "asbestos material" shall mean any waste or byproduct containing any type of asbestos, including without limitation chrysotile, crocidolite, and amphiboles.
5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses and telephone numbers, and present or last known job title, position or business.
6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, and address.
7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (*e.g.*, invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
8. The term "identify" means, with respect to a piece of real property or property interest, to provide its address or, if the address is not available, to otherwise describe its location (*e.g.*, "located at the southwest corner of Main Street and Elm Street in Gretna").
9. The terms "includes," or "including" shall not be construed as words of limitation; that is, they shall be construed such that the phrases "without limitation" or "but not limited to" are implied, unless such phrases are already in place. For example, "including x, y, and z" would be construed as "including without limitation x, y, and z" or as "including, but not limited to, x, y and z," but the phrase "including without limitation x, y and z" would be construed as it reads.

10. The term "you," "your" or the "Parish" shall mean Jefferson Parish, Louisiana, and its officers, elected officials, managers, employees, contractors, and agents.

11. The term "person" shall have the same definition as that contained in Subsection 101(21) of CERCLA, 42 U.S.C. § 9601(21), and includes an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body.

12. The term "release" has the same definition as that contained in Subsection 101 (22) of CERCLA, 42 U.S.C. § 9601 (22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.

13. The "Site" shall mean the Jefferson Parish communities of Bridge City, Westwego, Marrero, Harvey, and Gretna, and the Orleans Parish community of Algiers. The Site is described on the enclosed map (Exhibit 1).

14. Words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.

15. All terms not defined herein shall have their ordinary meaning.

### **QUESTIONS**

**Note:** Certain terms are in *italics* to call your attention to their definition above.

1. *Identify the persons* answering these questions on behalf of the Parish.

2. For each and every question contained herein, *identify any persons* consulted in the preparation of the answer.

3. If you know of information or *documents* responsive to *any* question in this Information Request that are not in your possession, *identify the person* from whom such information or documents may be obtained.

4. *Identify any person* who may be able to provide a more detailed or complete response to *any* question contained herein, along with a description of the additional information or *documents* that they may have.

5. *Identify any persons* who have knowledge, information or *documents* concerning the transportation, generation, production, use, purchase, treatment, storage, disposal or other handling of *asbestos material* by the Jefferson Parish at or near the Site, and describe the knowledge, information, or documents that they may have.

6. Describe any instance or occasion when the Jefferson Parish released, or took part in the release of, *asbestos material* at or near the Site. As part of the description, provide the following information:

- a) When such release occurred;
- b) How the release occurred;
- c) The approximate amount of *asbestos material* released;
- d) Identify the real property where *any* release of *asbestos material* may have occurred;
- e) Identify the *person* that was the source of the *asbestos material* released.

7. Did Jefferson Parish ever transport waste containing *asbestos material*? Please explain, and identify the location where the asbestos material was placed.

8. If Jefferson Parish did transport waste containing *asbestos material*, identify the *person* that was the source of the waste.

9. Did Jefferson Parish ever, directly or indirectly, receive or obtain materials including without limitation waste materials from the Johns-Manville Corporation (hereinafter "J-M") facility located in Marrero in Jefferson Parish? If the answer to this question is yes, please respond to the following:

- a) On what occasions did Jefferson Parish receive or obtain the material from J-M? If exact dates are unknown, please approximate.
- b) Approximately how much material did Jefferson Parish receive or obtain from J-M?
- c) If Jefferson Parish received the J-M material indirectly, identify the *person* who was go-between or middleman?
- d) What did Jefferson Parish do with the material that it obtained or received from J-M? Identify the location(s) where *any* such material was placed or otherwise came to be located.
- e) If *any* of the material that Jefferson Parish obtained from J-M was used as sidewalk, driveway, or other paving material, please give the approximate location(s).
- f) Did *any* of the material that Jefferson Parish received or obtained from J-M contain asbestos?

10. Did Jefferson Parish ever, directly or indirectly, receive or obtain materials, including without limitation waste materials from the National Gypsum Company (hereinafter NGC) facility that was located near the Johns-Manville Corporation Marrero plant or from the Celotex facility that was located in the same general area? If the answer to this question is yes, please respond to the following:

- a) On what occasions did Jefferson Parish receive or obtain the material from NGC or Celotex? If exact dates are unknown, please approximate.
- b) On what occasions did Jefferson Parish receive or obtain the material from NGC or Celotex? If exact dates are unknown, please approximate.
- c) Approximately how much material did Jefferson Parish receive or obtain from NGC or Celotex?
- d) If Jefferson Parish received the NGC or Celotex material indirectly, *identify* the *person* who was go-between or middleman?
- e) What did Jefferson Parish do with the material that it obtained or received from NGC or Celotex? *Identify* the location(s) where *any* such material was placed or otherwise came to be located.
- f) If *any* of the material that Jefferson Parish obtained from NGC Celotex was used as sidewalk, driveway, or other paving material, please give the approximate location(s).
- g) Did *any* of the material that Jefferson Parish received or obtained from NGC or Celotex contain asbestos?

11. Did Jefferson Parish ever, directly or indirectly, receive or obtain materials, including, without limitation, waste materials, from *any* other *person* for use as fill or paving material? If the answer to this question is yes, please *identify* the *person*, and respond to subparts a) through f) of question 11 above replacing NGC with the name of the company from which you received or obtained the materials.

### **REQUESTS FOR DOCUMENTS**

12. Please *identify* and provide a copy of *any documents* consulted, examined, or referred to in the preparation of the answers to questions 6 through 11 including all subparts of those questions. Please also *identify* and provide a copy of *any documents* that contain information responsive to the questions. For each document copy produced in response to this request for *documents*, indicate on the *document*, or in some other reasonable manner, the question and subpart of the question to which it corresponds.



Exhibit 1

